

REMARKS

This is in response to the Office Action mailed on February 15, 2006. Claims 1-23 and 25-27 were pending in that action. All claims were rejected. With the present response, all claims are amended.

On page 2 of the Office Action, claims 3-5 were rejected under 35 U.S.C. §112. Specifically, the Examiner indicated that it is unclear if the limitation "second property" relates to properties of the first object or the second object as recited in claim 1. It is respectfully submitted that the "second property" is simply different than any property previously preferred to. It is not necessarily critical that the second property belong to the first object, the second object or another object. Thus, Applicant believes claims 3-5 to be definite as written. Applicant could amend the term "second property" to be "different property" or something similar if the Examiner would be more comfortable with that alternative. At this point, Applicant will assume that the claims are definite as written. Should the Examiner disagree, Applicant invites further clarification as to what is perceived as being indefinite. Otherwise, reconsideration and withdrawal of the rejection under §112 are respectfully solicited.

In the Office Action, the Examiner also rejected claims 1-27 under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. With the present response, claims 1-27 have been amended to recite "a computer storage medium" instead of a "computer readable medium." This change was made in accordance with a suggestion provided by the Examiner. Applicant appreciates the explicit guidance under the circumstances. Reconsideration and withdrawal of the rejection under §101 are respectfully solicited.

Claims 1, 6-12, 14-17 and 20-22 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,859,919

(hereinafter referred to as "the Deffler reference"). As will be discussed in detail below, it is respectfully submitted that these claims are in fact patentably distinguishable from the Deffler reference.

Applicant's independent claim 1 includes three primary elements (i.e., instantiating, obtaining and applying). The first element reads "instantiating a property of a first object as a second object." Thus, the element involves instantiating a property as an object. The Examiner rejects this element on page 4 of the Office Action. In rejecting the element, the Examiner generally points to an "accessor object" described in the Deffler reference at column 10, lines 28-42. As the Examiner specifically points out in the Office Action, the accessor object described in the Deffler reference is instantiated based on a property. The distinction between "as" and "based on" is very important because instantiating a property as an object is certainly different than instantiating an object based on a property. In fact, the accessor object described in the Deffler reference is simply a tool for accessing and/or manipulating a property. The accessor object is not a representation of the property itself. Thus, the first element of claim 1 includes features that are neither taught nor suggested by the cited reference.

The second element of independent claim 1 states "obtaining constraint information pertaining to the property to be validated." In rejecting this element, the Examiner points out semantic or modeling rules described in the Deffler reference as affecting modification of a property. Specifically, the Examiner points to column 8, lines 60-65 and column 9, lines 5-10. For the purpose of debating the issues at hand, Applicant will accept the Examiner's interpretation of the claimed constraint information being allegedly equivalent to the described semantic or modeling rules. However, Applicant will

show that this interpretation falls apart when applied to the claim elements of the third limitation.

The third limitation states "applying constraint information to a property of the second object to ascertain if the property is validated." First of all, it is respectfully pointed out that third element requires application of constraint information to a property of a second object that is an instantiated property of the first object. In no way does the Deffler reference teach or suggest applying constraint information to a property of a second object that is an instantiated property of a first object. For at least this reason, the third element is neither taught nor suggested by the Deffler reference.

Further, the Examiner seems to take two different angles in attempting to reject the third element of independent claim 1. First, the Examiner cites column 9, lines 3-20. This passage shows application of a modeling rule directly to an object or directly to a property of an object. However, this passage does not show application of a modeling rule directly to, as claimed, a property of a second object that is an instantiated property of a first object. In addition, this position presented by the Examiner is inconsistent with his rejection of the first element of independent claim 1, which involved interpreting an accessor object described at column 10, lines 28-42 as the claimed second object. In fact, the Examiner's rejection of the first element completely falls apart when the third element is interpreted in light of the cited passage from column 9.

In a second attempt to reject the third element of independent claim 1, the Examiner cites column 10, lines 25-43 of the Deffler reference. With this argument, the Examiner has now returned to the notion that the described accessor object is the claimed second object. The Examiner again says that the "semantic or modeling rules" described in the Deffler reference is the

claimed constraint information. The problem with this argument is that, in accordance with the teachings of the Deffler reference, the semantic or modeling rules are in no way ever applied to a property of the described accessing objects. Instead, semantics or modeling rules are applied to properties of an object to which the accessing object is related (see column 10, lines 25-43). It is respectfully submitted that just because an accessing object facilitates applying a modeling rule to a property of another object does not mean that the same modeling rule is applied to a property included as part of the accessing object. Further, the fact that the accessor object is "constructed to handle the data type" of a property of a separate object in no way implies that a modeling rule to be applied to the property of the second object should also be applied to a property of the accessor object. Further, absolutely nothing in the Deffler reference with regard to the accessor object has anything to do with applying constraint information to ascertain if a property is validated. These are all reasons why the rejection rooted in column 10, lines 25-43 falls apart and fails to teach or suggest the elements of independent claim 1.

For all of the reasons discussed above, it is respectfully submitted that independent claim 1 is neither taught nor suggested by the cited Deffler reference. Dependent claims 6-11 are dependent upon claim 1 and are believed to be distinguishable from the cited reference based on a similar rationale. Further, it is respectfully submitted that, especially when interpreted in light of all the differences between independent claim 1 and the Deffler reference, dependent claims 6-11 each recite an individual limitation that is neither taught nor suggested by the cited Deffler reference.

Independent claim 12 is somewhat similar to independent claim 1. The third element of claim 12 states "forming an object of [said] at least one property." In rejecting this element of

claim 12, the Examiner again points to the accessor object described in the Deffler reference at column 10, lines 25-42. In support of the rejection of the third element, the Examiner simply states that, in accordance with the Deffler reference, an accessor object is constructed to handle operations on a property. It is respectfully pointed out that an object constructed to handle operations on a property is not a property formed as an object. For this and other reasons similar to those described in the context of independent claim 1, it is respectfully submitted that independent claim 12 is also in allowable form. Claims 14-17 and 20-22 are dependent upon independent claim 12 and are believed to be similarly distinguishable from the cited Deffler reference. Further, it is respectfully submitted, particularly when interpreted in light of the differences between claim 12 and the cited references, that each of the rejected dependent claims recites an element that is neither taught nor suggested by the reference cited against it.

On page 10 of the Office Action, claims 2-5, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Deffler reference in view of U.S. Patent Publication No. 2003-0191731 (hereinafter referred to as "the Stewart reference"). On page 15 of the Office Action, dependent claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Deffler reference in view of U.S. Patent No. 6,732,331 (hereinafter referred to as "the Alexander reference"). On page 15 of the Office Action, claims 23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Deffler reference in view of U.S. Patent No. 6,681,383 (hereinafter referred to as "the Pastor reference"). On page 17 of the Office Action, claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Deffler reference in view of the Pastor reference and the Stewart reference.

It is respectfully submitted that all of the dependent claims rejected based on the various noted combinations of references are allowable for at least for the same reasons discussed above in relation to their respective independent claims. Further, it is respectfully pointed out that none of the proposed combinations is supported by any reasonable objective rationale as to why the proposed combination of references would be obvious to one skilled in the art. For example, in the Deffler-Stewart combination set forth in the rejection of claim 4, the Examiner simply states that the proposed combination would be obvious to enable a system to effectively control and enforce the data dependency to assure correctness and completeness of a data system. This statement is nothing more than a recitation of a benefit associated with one of the references in the combination. Further, the noted benefit is, at best, loosely related to the feature of the relevant dependent claim. If the noted rationale for combination were sufficient to satisfy the burden placed on an Examiner to rationalize a proposed combination, then any proposed combination of references would be supportable regardless of whether they came from the same area of art or art. The law is very clear that more objective evidence to support a reason for combining is required than what has been provided in the present case.



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For all of the reasons discussed above, it is respectfully submitted that claims 1-23 and 25-27 are in condition for allowance. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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